

City of Corunna
Regular Council Meeting
Tuesday, July 6, 1999

Present: Bayless, Bendall, Dumond, Hornus, Ockerman, Runyan.

Absent: Weaver.

Guests: Tim Crawford, Superintendent of Public Works; Gary Schooley, Director of Parks & Recreation; Dick & Pat Sanderson; Judy Horton; Jackie Leone, The Argus Press; Marlene Fick; Douglas Albrandt; Larry Friess; Brian Hehemann; and other concerned citizens.

The meeting was called to order in the City Council Chambers by Mayor Pro-Tem Bendall at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Dumond moved, Ockerman seconded to approve the June 21, 1999 Regular Council Minutes as printed.

Roll call vote:

Yes: Ockerman, Dumond, Hornus, Runyan, Bayless, Bendall.

No: None.

Motion CARRIED

AGENDA APPROVAL: Hornus moved, Dumond seconded to approve the agenda as presented with the addition of Item No. A1) Consider Resolution for Establishing a Transportation Authority.

Roll call vote:

Yes: Bayless, Runyan, Bendall, Ockerman, Dumond, Hornus.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Dumond moved, Hornus seconded to approve the vendor disbursements as presented with the exception of the invoice for Imageline Productions vendor number 1780 for baseball/softball shirts and hats in the amount of \$2,739.

Roll call vote:

Yes: Runyan, Ockerman, Bayless, Hornus, Bendall, Dumond.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Marlene Fick, 408 W. Williams Street, advised she brought the alley located between W. Williams Street and W. Oliver Street to council's attention a month ago regarding the travel trailer that is parked in the alley. She further advised it appeared that the situation was referred to Mr. Burlingame for his review and he has advised that the city's code was silent regarding alleys. Ms. Fick stated that if the city code is silent then it is time to make some definitions. She further stated if she parks a fifth wheel or camper in the alley then the alley will be blocked. Councilperson Hornus advised the alley can not be blocked because of fire protection. He further advised that during pre-council he suggested sending the fire chief down the alley to see if there would be a conflict with getting a fire truck down the alley and if there was a conflict then the owner would be asked to move the trailer. Councilperson Hornus asked what the problem

was with the alley. Ms. Fick asked why one person has the right to park his trailer in the alley when she cannot park there because the alley would be blocked. Councilperson Ockerman suggested placing the issue on the next agenda.

CONSIDER RESOLUTION FOR ESTABLISHING A TRANSPORTATION AUTHORITY: Brian Hehemann discussed the reasoning behind establishing a transportation authority. He advised that a professional group from the Traverse City area did a two-year study. He further advised that one of the advantages of getting a grant approved by the Michigan Department of Transportation would be that the vehicles would be funded by the Michigan Department of Transportation. Councilperson Hornus stated it has been his experience that grants do not last forever and eventually the participating cities are stuck with the funding. Mr. Hehemann advised that the transportation authority along with the health and human services agencies would make sure that the system is running efficiently and if the time comes when funding problems do occur then the authority will work cooperatively with the cities to ensure that the system continues. Dumond moved, Hornus seconded to appoint Bob Ockerman and Larry Runyan as representatives and Deb Bendall as the alternate to the transportation authority and to adopt the following resolution:

City of Corunna
Shiawassee County, Michigan

**RESOLUTION FOR ESTABLISHING
A TRANSPORTATION AUTHORITY**

Minutes of a Regular meeting of the City Council of the City of Corunna, Shiawassee County, Michigan, held in the City Hall, 402 North Shiawassee Street, Corunna, Michigan 48817, on July 6, 1999, at 7:00 p.m. local time.

PRESENT: Councilpersons: Bayless, Bendall, Dumond, Hornus, Ockerman, Runyan.
ABSENT: Councilpersons: None.

The following resolution was offered by Councilperson Dumond and supported by Councilperson Hornus:

Whereas, the City of Corunna is interested in joining the other public agencies in Shiawassee County to establish a transportation authority pursuant to Public Act 7 of 1967 (extra session) as amended, and;

Whereas, that this Honorable Body designates Bob Ockerman and Larry Runyan as representatives and Deb Bendall as alternate to the transportation authority planning committee which is charged with preparing a transportation authority agreement.

Therefore, be it resolved, that if the transportation authority agreement is acceptable to the City of Corunna, it will adopt a resolution to establish a transportation authority and to sign the agreement.

Roll call vote:

Yes: Hornus, Bendall, Dumond, Bayless, Ockerman, Runyan.

No: None.

Motion CARRIED

7:15 P.M. PUBLIC HEARING TO CONSIDER ORDINANCE 99-05 AMENDMENT TO PARKS AND RECREATION COMMISSION: Hornus moved, Ockerman seconded to leave the regular session and go into a public hearing to consider Ordinance 99-05 Amendment to Parks and Recreation Commission.

Roll call vote:

Yes: Bendall, Bayless, Runyan, Dumond, Hornus, Ockerman.

No: None.

Motion CARRIED Time was 7:15 p.m.

Councilperson Ockerman advised he had concerns with item number four that states “that all meetings must have at least three members at large present to enact business”. He further advised that he believed that it shows preferential treatment towards certain people. Mayor Pro-Tem Bendall advised she did not understand how it would show preferential treatment since everyone is invited to attend the meeting. Councilperson Ockerman stated preferential treatment is shown if three members at large have to be there, but business cannot be conducted without the three members at large. He asked why not have just seven members present. Mayor Pro-Tem Bendall advised the commission’s intent is to open up the meeting to members at large so the other members who belong to different boards and commissions do not have to carry the brunt of the meeting. Councilperson Ockerman stated there may be people on the commission who do not live in the city or pay taxes on the park that want the best of everything because they do not have to pay for it. Mayor Pro-Tem Bendall advised the commission does not pay bills. The bills come to council for approval. Councilperson Runyan stated that if there are people on the commission who do not attend the meetings they should be replaced. Councilperson Ockerman stated he would not have a problem with the amendment if council was acting on behalf of the commission. Councilperson Dumond stated it sounded like Councilperson Ockerman does not want anyone on a commission who does not live in the city. Councilperson Runyan stated that was his concern too. Councilperson Bayless advised there are people appointed to a commission who do not attend the meetings and there are members at large who do attend. He further advised if seven members are needed to make a quorum in order to conduct business it does not matter who is there. Councilperson Dumond suggested removing the second sentence in item number four. Councilperson Runyan stated that he still had a problem with having non-residents on commissions. Councilperson Hornus advised if the city has to rely on city residents to serve on all of the boards and commissions there would not be a Fourth of July celebration. Councilperson Runyan advised the Fourth of July is only held once a year. Councilperson Hornus stated the Fourth of July Commission spends more money than any other commission. Councilperson Ockerman stated that in the interest of compromise the amendment does state that three of the members at large must be city residents and he would be able to go along with the amendment. Councilperson Runyan stated the city has a park that is supported by the city taxpayers and he could not understand why three people who live outside of the city would have a voice.

Councilperson Hornus advised the McCurdy will states that the park is for the community. Judy Horton advised the historical commission is made up of people from all over and kids from all over use the playscape. Dumond moved, Hornus seconded to leave the public hearing and return to the regular session.

Roll call vote:

Yes: Dumond, Hornus, Ockerman, Bendall, Bayless.

No: Runyan.

Motion CARRIED Time was 7:32 p.m.

Dumond moved, Ockerman seconded to approve the following ordinance and to delete sentence two under item number four which stated “that all meetings must have at least three members at large present to enact business”:

ORDINANCE NO. 99-05

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CORUNNA, MI, BY AMENDING SECTION 2-242, MEMBERSHIP, OF CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS AND COMMISSIONS, DIVISION 6, PARKS AND RECREATION COMMISSION, THEREOF.

I. AMENDMENT.

Section 2-242 of the Corunna City Code reads:

The parks and recreation commission shall be appointed by the city council as follows:

- (1) Membership shall consist of one member from the city council, ~~two~~ **SIX** members at large who are not members of any organizations which make up the parks and recreation commission, and one member from each of the following: the city planning commission, the Fourth of July commission, the city historical commission, the city softball commission, the city downtown development authority, and the city public schools. **AT LEAST THREE OF THE MEMBERS AT LARGE MUST BE CITY RESIDENTS.** Members shall be appointed in the following manner:
 - a. Three members for one-year terms.
 - b. Three members for two-year terms.
 - c. Two members for three-year terms.

Such terms shall be for three years each thereafter.

- (2) Each seat, except the ~~two~~ **SIX** at large members, will have an alternate with full voting rights in the absence of the regular member.
- (3) No member shall have voting representation of more than one organization; each member shall have only one vote.

- (4) Of the commission membership there will be a chairman, vice-chairman, and treasurer/secretary voted upon by the entire commission. All decisions of the commission shall require ~~five~~ **SEVEN** affirmative votes.
- (5) Any commissioner absent three consecutive meetings, without approval, will be considered removed from the commission.

II. CONFLICTING ORDINANCES AND PORTIONS THEREOF REPEALED.

All Ordinances previously adopted and inconsistent with the provisions of this Ordinance are repealed, and in the case of inconsistencies, to the extent of such inconsistency, are hereby repealed.

III. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication.

Roll call vote:

Yes: Ockerman, Dumond, Hornus, Bayless, Bendall.

No: Runyan.

Motion CARRIED

CONSIDER REQUEST FROM THE SHIAWASSEE HUMANE SOCIETY TO HOLD THEIR “PETS ON THE STREET” FUND RAISER ON SEPTEMBER 10 & 11, 1999, WITH ALTERNATE DATES OF SEPTEMBER 17 & 18, 1999: Hornus moved, Ockerman seconded to approve the request from the Shiawassee Humane Society to hold their “Pets on the Street” fund raiser on September 10 & 11, 1999, with alternate dates of September 17 & 18, 1999.

Roll call vote:

Yes: Bayless, Runyan, Bendall, Ockerman, Dumond, Hornus.

No: None.

Motion CARRIED

COUNCIL APPOINTMENTS: Councilperson Ockerman asked council to refer to Exhibit A in their council packets. He stated the fire board currently consists of two representatives from the City of Corunna and two representatives from Caledonia Township. He further stated that Corunna would have three representatives now that Cal Hornus is on the city council. He also stated he brought the situation to the fire board’s attention at the last meeting and the Caledonia Township representatives were split on it. Councilperson Ockerman advised that he contacted John Bendall to be sure that Caledonia Township did not have a problem with the city having three representatives on the fire board. Councilperson Hornus advised council does not have any control over the fire board. Councilperson Ockerman stated council does appoint representatives. Councilperson Hornus advised he is an at large member and is not a council representative. Mayor Pro-Tem Bendall asked what the fire board decided since they appoint the member at large. Councilperson Bayless advised the fire board decided not to replace Mr. Hornus.

Councilperson Hornus stated if the fire board wants to remove him that would be fine.
Councilperson Dumond stated he did not see a problem with Mr. Hornus being on the fire board, but if Caledonia Township does have a problem then that would be a different story.

Councilperson Ockerman advised Councilperson Hornus is also on the historical commission. Councilperson Hornus advised he was not a council representative. Councilperson Ockerman read the section of the city code that dealt with the historical commission membership. Councilperson Runyan stated he had nothing against Mr. Hornus but he was against the issue. When someone signs an application that they want to be a council representative, they have to make a decision on whether to stay on a committee or the council. Mayor Pro-Tem Bendall stated she did not understand why there was a conflict. Councilperson Runyan stated that when he was on the planning commission he was a member at large, but when he was appointed to council he became a council representative and that opened another seat for Mr. Hetfield. He further stated the city code is a book of laws and there is no other person other than the city attorney who can interpret the code book. When the city attorney interprets an ordinance that the council has a problem with, it is legal and binding. Mayor Pro-Tem Bendall stated that was Councilperson Runyan's opinion. Councilperson Bayless stated a person who is appointed at large could be any person if he meets the criteria for that position. The person at large is appointed by the governing body. He further stated if that person takes another position, it has no bearing. If that commission decides to replace the person at large because it construes a conflict then it is up to that commission. He also stated the fire board discussed Mr. Hornus' position at the last meeting and the board decided not to replace him. If the Caledonia Township board does have a problem with the issue then they need to speak with their fire board representatives who can then raise the issue. Councilperson Bayless advised the decision should be made by the board or commission that is affected and not by city council. Mayor Pro-Tem Bendall advised that was her opinion also. Councilperson Bayless advised that he would step aside and let Mr. Hornus be the council's representative on the fire board if Caledonia Township does have a problem with three representatives from the city. Councilperson Ockerman stated he did not have a problem with Mr. Hornus being on the fire board and historical commission, but he did have a problem with it if the city is not following the law. Councilperson Dumond stated he did not recall seeing anything in the code book that states a councilperson cannot be on any committee. Councilperson Ockerman suggested asking the city attorney for his interpretation to make sure that council is following the law. Mayor Pro-Tem Bendall asked Councilperson Ockerman if he wanted to make a motion to have the city attorney make an opinion concerning Mr. Hornus' membership on the fire board and historical commission. Ockerman moved, Runyan seconded to ask the city attorney to check if it was legal for Cal Hornus to be on the fire board and historical commission.

Roll call vote:

Yes: Runyan, Ockerman, Bayless, Hornus.

No: Bendall, Dumond.

Motion CARRIED

DISCUSSION OF BRUSH & LEAF DROP OFF HOURS: Councilperson Ockerman stated he thought that council had already taken care of the drop off hours. He further stated he was told by Ms. Hitchcock that the hours were not taken care of and that was why he asked to have item placed on

the agenda. Councilperson Dumond advised the hours were already taken care of. Councilperson Ockerman stated he asked Ms. Hitchcock directly if the situation was taken care of and was advised that it was not.

CONSIDER ENGINEERING PROPOSAL FOR WATER TOWER PAINTING: Councilperson

Ockerman asked if there was anything that showed what the total cost would be. Mayor Pro-Tem Bendall advised the proposal was to prepare specifications that could be interpreted by any company who would actually do the painting. Tim Crawford advised it was his plan to seek bids on the tower painting either by total paint removal inside and out or by a water jetting option. Councilperson Ockerman asked Mr. Crawford if he was going to advise council which option is better. Mr. Crawford advised yes. Councilperson Dumond asked if the only thing council had to be concerned about this evening was getting the specifications drawn up so the painting can be sent out for bids. Mr. Crawford advised yes. Mayor Pro-Tem Bendall suggested preparing a cover letter explaining the different options along with his recommendation. Ockerman moved, Hornus seconded to accept the engineering proposal and contract agreement for Phase I – Engineering and Specification Preparation from Dixon Engineering in the amount of \$4,700.

Roll call vote:

Yes: Hornus, Bendall, Dumond, Bayless, Ockerman, Runyan.

No: None.

Motion CARRIED

BACKHOE LEASE AGREEMENT: Dumond moved, Hornus seconded approve the Backhoe Lease

Agreement as presented.

Roll call vote:

Yes: Bendall, Bayless, Runyan, Dumond, Hornus, Ockerman.

No: None.

Motion CARRIED

CONSIDER ADMINISTRATIVE POLICY #26 – COMMITTEES/COMMISSIONS/BOARDS

HANDLING OF REVENUE: Bayless moved, Hornus seconded to approve Administrative Policy #26 – Committees/Commissions/Boards Handling of Revenue as amended by changing the first sentence to read “Any revenue generated by committees/commissions/boards during an event must be collected and counted by at least two, unrelated persons”. Councilperson Dumond stated the policy sounded like an easy policy to follow, and he did not see where a board or commission would have a problem with following the procedures. Gary Schooley stated he had one problem with the wording in the first sentence. He explained the procedures currently used for counting and receipting in money at the concession stand. He further explained the new policy would require him to have two commission members present every night to verify the figures.

Councilperson Ockerman stated when he brought the issue up, it was not his intention to make it difficult. Councilperson Hornus advised the Fourth of July Commission has a hot dog and an ice cream stand and money piles up quickly. He further advised the money is wrapped with a rubber band and placed in a locked bank bag, which is picked up by Angie Fernette. This money is not counted by any commission member. It is deposited in a bank night deposit box and someone from the bank counts the money. He also advised there is no time to stop and count the money when there are people lined up all day long. Councilperson Runyan advised the money does not have to be counted at the end of each shift. It needs to be counted once at the end of the day.

Councilperson Hornus advised there was a 50/50 drawing and four people counted the money to determine what the payout would be. Councilperson Runyan asked if the money at the end of the drawing went to Ms. Fernette. Councilperson Hornus advised yes, it is placed in a locked bank bag and is dropped in a night deposit box. Councilperson Dumond stated he had a problem with the bank counting the money. Councilperson Ockerman stated at the end of the day the money should be counted before Ms. Fernette takes it to the bank. Councilperson Bayless stated that if money is placed in a locked bank bag and deposited, it would constitute safe handling. Councilperson Ockerman stated it would not be safe handling if two people had not counted the money before it was sent to the bank. Councilperson Runyan stated the policy is intended to protect people. Mayor Pro-Tem Bendall asked if there were any changes to the policy that should be made. Councilperson Ockerman suggested changing the wording in the first sentence from “at least two, unrelated committee/commission/board members” to “at least two, unrelated persons”. Roll call vote:

Yes: Dumond, Hornus, Ockerman, Bendall, Runyan, Bayless.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Larry Friess asked what the brush and leaf drop off hours were. Mr. Crawford advised the hours are Monday through Friday from 7:00 a.m. to 3:00 p.m. and the first Saturday of the month from 8:00 a.m. to 5:00 p.m.

Douglas Albrandt stated when a citizen makes a comment, he does not think it is proper for the city council to attack that person. It is time for citizen input and not for arguments.

ADJOURN: Hornus moved, Dumond seconded to adjourn.

Roll call vote:

Yes: Ockerman, Dumond, Hornus, Runyan, Bayless, Bendall.

No: None.

Motion CARRIED Time was 8:25 p.m.

DEBORAH BENDALL, MAYOR PRO-TEM

YVONNE F. LONG, CITY CLERK